

**REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF PLATTSBURGH, NEW YORK**

May 10, 2012

5:30 P.M.

MINUTES

Present: Mayor Donald Kasprzak, Councilors Tim Carpenter (W1), Mark Tiffer (W2), George Rabideau (W3), Jim Calnon (W4), Chris Case (W5), Chris Jackson (W6)

Absent: None

1. MINUTES OF THE PREVIOUS MEETING:

RESOLVED: That the Minutes of the regular meeting of the Common Council held on May 3, 2012 are approved and placed on file among the public records of the City Clerk's Office.

By Councilor Case; Seconded by Councilor Carpenter

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

2. PAYROLLS OF VARIOUS DEPARTMENTS:

RESOLVED: That the payrolls of the various Departments of the City of Plattsburgh for the week ending May 9, 2012 in the amount of \$ 247,162.48 are authorized and allowed and the Mayor and the City Clerk are hereby empowered and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Calnon; Seconded by Councilor Jackson

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:

- Report of Fire and Ambulance Responses for the week of May 3 – May 9, 2012
- Report from the Building Inspector's Office from April 30 – May 8, 2012
- Statement of cash receipts from the Library from April 19 – April 25, 2012
- Statement of cash receipts from the Library from May 2, 2012
- Finance Department Statement of Revenue and Expenditures for the months of January and February 2012.

RESOLVED: That the reports as listed are hereby ordered, received and placed on file among the public records of the City Clerk's Office.

By Councilor Rabideau; Seconded by Councilor Tiffer

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

4. CORRESPONDENCE & RECOMMENDATIONS FROM BOARDS: None

5. AUDIT OF CLAIMS:

RESOLVED: That the bills Audited by the Common Council in the amount of \$ 1,245,622.10 are authorized and allowed and the Mayor and City Clerk (where required) are hereby authorized and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Calnon; Seconded by Councilor Case
Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

6. PERSONS ADDRESSING COUNCIL:

Terry Gordon, 12 Whitney Lane, Keeseville said in July 2010 I filed a notice of claim against the City of Plattsburgh concerning actions and allegations against the Police Department. I'm sad to say that I'm going to file a new claim with the City of Plattsburgh. Unfortunately on May 1st, Plattsburgh City Police Officers came to my house in Keeseville and threatened me and my constitutional rights and the only thing they referenced was a alleged Civil Action that occurred in Peru New York. Which is obviously not in Plattsburgh. It's my humble opinion that your Police Department has run amuck and that Mr. Stephen Mundy of CVPH is running a thugocracy and your City Police Department is doing there beck and call to the detriment of the constitutional civil rights of the citizens of the area. [He submitted a copy of his claim in to the minutes and gave Mayor and Council a copy]. I want to see that nobody else is subjected to this kind of behavior and perhaps it would be best if the Police Chief quit digging the City of Plattsburgh in deeper in the liability hole.

Mayor Kasprzak said I deal with questionable behaviors and actions by every city department since I've been here and I don't believe anything anybody says until I talk to the appropriate department heads and the people involved. Just so you know it doesn't mean that I don't believe you but I get all the facts before I make my mind up and it's not whether I question you or not but there's always 2 sides to a story. I will ready this and I will then pursue it with our Police Chief as is the right thing to do.

Terry Gordon said I appreciate that sir and I would expect no less. That is the only just and fair thing to do is to seek both sides of the story before we even consider any further action.

7. OTHER ITEMS:

A. RESOLVED: In accordance with the request therefore the Common Council approves MLD to write-off unpaid final bills from March 1, 2011 to March 31, 2011 in the total amount of \$5,395.57. The percentage of write-offs for this period is .24%.

By Councilor Case; Seconded by Councilor Jackson

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

B. RESOLVED: In accordance with the request therefore the Common Council approves Tina Cook to use the gazebo at the US Oval for a karaoke birthday party on Saturday, August 18, 2012 from 11:30 am to 4:30 pm.

By Councilor Tiffer; Seconded by Councilor Carpenter

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

C. RESOLVED: In accordance with the request therefore the Common Council approves that Contract #2012-07 "Sludge hauling for WPCP" be awarded to Rodem Inc Drummac Septic Service for the total lump sum of \$141,832.80.

By Councilor Jackson; Seconded by Councilor Case

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

D. RESOLVED: In accordance with the request therefore the Common Council approves the First Baptist Church to use Trinity Park on Saturday August 4, 2012 from 10:00 am to 1:00 pm to have games and other activities as part of their Vacation Bible School program.

By Councilor Calnon; Seconded by Councilor Jackson

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

E. RESOLVED: In accordance with the request therefore the Common Council approves that Contract #2012-05 "One 2013 Single Axle Truck with Recycle Body" be awarded to M.A. Jerry for the total cost of \$149,380.

By Councilor Rabideau; Seconded by Councilor Case

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

F. RESOLVED: In accordance with the request therefore the Common Council approves Kevin Farrington City Engineer to advertise for bids for Contract #2012-10 "Beach Amenities."

By Councilor Tiffer; Seconded by Councilor Case

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

8. TRAVEL REQUEST:

A. RESOLVED: In accordance with the request therefore the Common Council approves two Police Officers to attend "New York State Division of Homeland Security and Emergency Services Law Enforcement Active Shooter Emergency Response Training" in Oriskany, NY from May 29 – 31, 2012. The cost will not exceed \$336 and will be paid out of Asset Forfeiture (Treasury) funds.

By Councilor Calnon; Seconded by Councilor Carpenter

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

B. RESOLVED: In accordance with the request therefore the Common Council approves one Police Officer to attend "New York State Police Sex Offense Seminar" in Albany, NY from May 21 – 25, 2012. The cost will not exceed \$825 and will be paid out of Asset Forfeiture (Treasury) funds.

By Councilor Calnon; Seconded by Councilor Carpenter

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

C. RESOLVED: In accordance with the request therefore the Common Council approves one Police Officer to attend "Active Shooter Emergency Response Training" in Oriskany, NY from May 29 – 31, 2012. The cost will not exceed \$163 and will be paid out of Asset Forfeiture (DOJ) funds.

By Councilor Calnon; Seconded by Councilor Jackson

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

9. RESOLUTIONS FOR INITIAL CONSIDERATION:

1. Request from Mayor Kasprzak to return the traffic light to the location of Elm and Margaret Streets.
2. Request from Kevin Farrington City Engineer for permission to advertise for Contract #2012-11 "Ready Mix Concrete."
3. Request is made from the City Chamberlain to close the General Fund Budget for 2011 with the final budget transfer entry as presented and to officially roll-forward the actual General Fund results to open the 2012 budget year in the City financial system.
4. Request from Bill Treacy Manager MLD to advertise for bids for PMLD BID # 2012-5-1 "Purchase Revenue Electric Meters." Bid opening date: June 12, 2012 at 11:00 am.
5. Request from Barbara MacDonald to hold the 10th Annual Mayor's Cup Bike ride on Sunday, July 15, 2012. They are planning on starting from and returning to the hospital grounds via Prospect Avenue.
6. Request from Police Chief Desmond Racicot for two Police Officers to attend the "New York State Association of Chiefs of Police 2012 Annual Training conference" in Alexandria Bay, NY from July 29 – August 2, 2012. The cost will not exceed \$1660 and will be paid out of Asset Forfeiture (Treasury) funds.

10. NEW BUSINESS:

Councilor Jackson aid we all received an email from a constituent asking us to put forward a resolution basically criminalizing synthetic marijuana. I talked with the person who sent the email and told her the city passing a resolution is like taking a sieve and plugging one hole in it. It's not something that's going to have any affect here in the city. But I was encouraged last week to hear that the State Senate has already passed a bill and I actually called our Assembly person. The companion bill, which is identical to the senate bill which is what it has to be in order for the Governor to sign it, is in committee right now and her upmost hope is that it will be passed by the Assembly before they adjourn on June 21st. It looks like the state is really moving on this and I don't think that there's anybody down there whose opposed to it. It's just a matter of getting it moved out of committee so they are hoping to get that done.

Councilor Calnon said I think that is the best thing to do but if it fails I would like to see a resolution here.

Mayor Kasprzak said that's my feeling I don't mean to be presumptuous with everyone around the table.

Corporation Counsel John Clute said not only are these efforts being made at the state level but they are in the process of criminalizing the sale of this stuff at the Federal level too. He FDA has some regulations out there too.

Councilor Jackson said when I talked to Janet she said the Senate bill makes it a class B felony.

11. CLOSING PUBLIC COMMENTS:

Kathryn McCleery, 14 Tremblay Ave said and for some strange reason only in the City of Plattsburgh am I known as the mother of a fireman. Although I am very proud of that child who goes to work every day putting his life on the line for all of you even though the democratic majority doesn't want to vote on the contract. Be that as it may, he was in Elementary school when I started supervising installation crews of Burglar and Fire Alarm systems. He was in Junior High school when I became the Executive Director of the New York State Burglar and Fire Alarm Association and in that position worked with the Fire Chiefs Association and the Fire Marshalls and a gentleman by the named Ken LaValle was then and is now a State Senator from District 1 Suffolk County. Ken was determined that the NY State Uniform Fire prevention and Building Code would be extended so that every building in the state would be protected. We did what he wanted. In any case the son was in High School when I was awarded the Professional Alarm Technician of the Year by the National Burglar and Fire Alarm Association for the work I had done in multiple states to professionalize the alarm industry. And he was in college up here when the State of New York paid me to write the 60 hour mandatory training bill and the test to be allowed to install fire systems. Everywhere except Plattsburgh I'm an industry expert in Fire. I was contacted by a long term client in December of 2011 who wanted to know if I knew what the date was going to be of the delivery of the new aerial to the City of Plattsburgh. After we did a little comedy routine that there wasn't going to be an aerial I was reminded that when our aerial was deemed inoperable and could no longer be repaired it went on the international list. Which prompted a series of visits from the Fire Marshalls to see what was going on up here because we have contracts with state agencies that we are a fully funded, fully equipped, fully everything fire department. Well the bottom line is apparently that gentleman donated in excess of \$700,000 to the city for a new fire engine and now was about to have his insurance rates in excess of a million dollars a year because there wasn't one. I realize that you have had a long going issue with fire protection here in the city, but, you all need to understand what's at stake here. This is 30 years of my life and I'm here to tell you that fire people don't have a sense of humor when it comes to fire threats. We tend to think of what's around the city as being nothing much. But ironically when we rank industries for potential fire disasters there's a whole bunch of them that are more dangerous than a nuclear power plant and guess what they're all here in the City of Plattsburgh. Starting at the north with Georgia Pacific and Pactiv going through all of the assorted I guess we would call them foundries scattered in and among and ending up down with our plastics factory and I don't even want to think of what that can do because I haven't kept up with the chemicals in plastics. But I know what can happen with Georgia Pacific if the wrong person squirting a hose goes in to Georgia Pacific. We lose one square acre of city property surrounding Georgia Pacific. That brings us to the slight little problem that I've also had to deal with all these years called insurance. The big thing is liability and there's only one ground one major thing in the State of New York that anybody is liable for and that is what is known as gross negligence. The definition of gross negligence is failure to follow industry standards. And

in this case we have become grossly negligent because we are no longer in conformance with the state laws. We are not following any of the state fire laws and you know I honestly don't care because guess who is going to be liable, all of you. Gross negligence does not have any protection from insurance. Gross negligence goes down to the people who have a long trail of not having fully staffed fire departments. Gross negligence goes down to the question of what happened to 1.2 million dollars that was specifically given to the city. 1.2 million dollars....

Mayor Kasprzak said Ma'am one more minute please.

Kathryn McCleery (continued) that has gone missing is no longer around that did not purchase either the aerial or the training or the extra time for the men to staff it. Ponder that one in your one minute and consider the fact that you're paying for this on your own.

Motion to Adjourn by Councilor Jackson; Seconded by Councilor Tiffer
Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

MEETING ADJOURNED: 5:56 pm

NOTICE of CLAIM May 9, 2012

Attention:

Honorable Donald Kasprzak

41 City Hall Place

Plattsburgh, New York 12901

Chief Desmond Raciciot

45 Pine Street

Plattsburgh, New York 12901

On May 1, 2012 Plattsburgh City Police Officers Brian Major and Sergeant Kiroy, "Acting Under the Color Of Law" and without "Just Cause" in collusion with coconspirators Champlain Valley Physicians Hospital, "Keeper of the Records," Mr. Stephens Mundy, Individual, Mr. Stephens Mundy Chief Executive Officer colluded to retaliate against plaintiff Gordon for "Recent Communications to CVPH Medical Center." On the above named date Plattsburgh City Police Officers Brian Majors and Sergeant Kiroy came to my house at 12 Whitney Lane, Keeseville, New York 12944. While at my house approximately 20 miles outside their jurisdiction the officers threatened my families' jobs at CVPH Medical Center. The officers attempted to intimidate me into not exercising my lawful constitutional and civil rights as I deem fit. In as the City of Plattsburgh and The Plattsburgh City Police Department are under previous "Notice of Claim", I felt this was an attempt to intimidate me as a witness. Officers Major and Kiroy's actions violated plaintiff Gordon's "Right to Petition Hospital Officials/Government Actors. Defendants there by further violated Plaintiff Gordon's constitutional "Right to Free Speech," "Right to Privacy," "Right to have Confidential Patient / Doctor Relationship," "Right to Property," "Right To Equal Protection Under the Law," "Right to be Left Alone" as granted to Plaintiff Gordon under the 1st, 3rd, 4th, 5th, 9th, and 14th amendments of the Constitution of the United States. Defendants additionally violated plaintiff's "Right to Privacy," "Right to Private Property,"

"Right to Equal Protection Under the Law," "Freedom of Speech," "Right to be Secure in their Persons, Houses, Papers and Effects," as declared in the New York State Constitution, Article 1 Sections §7a §8, §11, §12. Defendants furthermore violated Civil Rights granted to plaintiff under 42 U.S.C. 1983, New York State Public Health Laws, §2801-D paragraph 1, §2803 subdivision 3 paragraphs a, f subdivision 10, paragraph a, Public Health Laws §18. §7a, §12.

The officers actions caused claimant Gordon emotional and physical distress, harm to claimant's standing in the community and loss of future earnings potential.

I Terry Gordon affirm under the penalty of perjury that the aforementioned claims are true to the best of my belief and knowledge

Terry J Gordon
Terry Gordon

*Given to me on this 9th
day of May 2012*

Judith A. Glendon (McCarthy)

JUDITH A. GLENDON McCarthy
NOTARY PUBLIC, State of New York
No. 01CL6062151
Qualified in Clinton County
Commission Expires 07-30-2013

HOSPITAL COMPLAINT

To: New York State Department of Health, HOSPITAL COMPLAINT DEPARTMENT

From: Terry Gordon, Patient/Victim

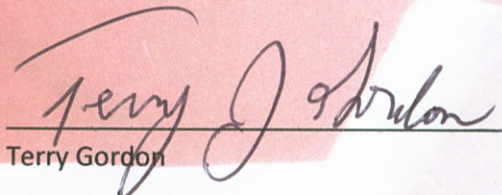
I would demand to file a COMPLAINT against CVPH Medical Center in Plattsburgh, New York.

Please note the below assertions of fact

CVPH Medical Center, Mr. Stephens Mundy, "Individual", Plattsburgh City Police Department Chief Desmond Racicot, * "Police Official" and others..... Yesterday May 1, 2012, Plattsburgh City Police Department came to my house and threatened my families' jobs at CVPH Medical Center, Attempted to Intimidate me into not exercising my civil right to, "Petition Hospital Officials both In and Out of the Hospital", "Right to Free Speech" I live 20 miles outside Plattsburgh City Police Department's jurisdiction. The police only referenced a civil action that occurred in Peru, New York which is 10 miles outside their jurisdiction and had been handled by the New York State Police. NYS POLICE, Finding, Absolutely "NO UNLAWFUL CONDUCT." CVPH Medical Center has released my "Confidential Patient/Hospital Communications" and my "Personal Health Information" to the Plattsburgh City Police Department and others. I have documentary proof of this. I have made multiple request for an "Accounting of Disclosures." I have received a "Factually Inaccurate and/or Materially False Response" on multiple occasions. I have a digital recording of my May 1, 2012, "Interaction" with Plattsburgh City Police. CVPH Medical Center / Mr. Stephens Mundy have used their/his influence to affect a judicial proceeding against me. During the course of these actions various Public Health Official's misused their authority granted to them under New York State Public Health Laws. Champlain Valley Physicians Hospital further violated Terry Gordon's Constitutional and Civil Rights of, but not limited to "Right to Free Speech", "Right to Privacy", "Right to have a Confidential Patient/Doctor Relationship", "Right to Property", "Right To Equal Protection Under the Law," "Right to be Left Alone," "Right to Liberty," as granted to Plaintiff Gordon under the 1st,3rd,4th,5th,14th amendments of the Constitution of the United States, under 42 U.S.C. § 1983. Defendants additionally violated Plaintiff Gordon's "Right to Privacy", "Right to Private Property", "Right to Equal Protection" Under the Law," "Freedom of Speech," "Right to be Secure in their Persons, Houses, Papers and Effects," as declared in the New York State Constitution, Article 1 Sections §7a §8, §11, §12. Defendants furthermore violated Civil Rights granted to plaintiff under New York State Public Health Laws, §2801-D paragraph 1, §2803 subdivision 3 paragraphs a, f subdivision 10, paragraph a, Public Health Law §18.57a, §12.

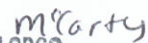
I Terry Gordon affirm under the penalty of perjury that the afore claimed is true to the best of my belief and knowledge.

Respectfully Submitted on this 2nd day of May in the year of our Lord two thousand and twelve.


Terry Gordon

Sworn to me on this
9th day of May 2012
Judith A. Gloddo (McCarthy)

* Note original Document mistakenly referred to Plattsburgh City Police Chief Desmond Racicot as Desmond "Racine"


JUDITH A. GLODDO
NOTARY PUBLIC, State of New York
No. 01CL6062151
Qualified in Clinton County
Commission Expires 07-30-2013

NOTICE OF CLAIM

July 6, 2010

Attention:

Honorable Donald Kasprzak

41 City Hall Place

Plattsburgh, New York 12901

Chief Desmond ~~Racine~~ *RACIOT*

45 Pine Street

Plattsburgh, New York 12901

*Sworn to me on this 9th
day of May 2012*

Judith A. Clapp (McCarthy)

I, Terry Gordon, Pro-Se individual claimant, residing at 1 Whitney Lane, P.O. Box 19, Keeseville, New York, 12944, do hereby give "NOTICE of CLAIM" to the Plattsburgh City Police Department and the City of Plattsburgh, that I, Terry Gordon intend to bring a civil action against the Plattsburgh City Police Department and the City of Plattsburgh for injuries and damages resulting from actions of the Plattsburgh City Police Department acting in concert with co-conspirators listed below.

Cause of Action

1. On or about Friday, April 23, 2010, Officer's Kiroy and Clark of the Plattsburgh City Police Department "Acting under the "Color of Law" maliciously and deliberately entered into a conspiracy to deny claimant the ability to exercise his civil rights as defined under the constitution of the United States, and the laws of the State of New York.
2. The currently known co-conspirators are, Mr. Stephens Mundy, Chief Executive Officer of Champlain Valley Physicians Hospital located at 75 Beekman Street, Plattsburgh, New York, 12901; Deborah Stewart, Risk Manager / Patient Representative for CVPH of 75 Beekman Street, Plattsburgh, New York 12901; Marcie Glen, Medical Information Services Manager for CVPH located at 75 Beekman Street, Plattsburgh, New York 12901; Mr. Stephens Mundy, Individual, of 42 Spitfire Drive, Plattsburgh, New York 12901.
3. On Friday, April 23, 2010, Plattsburgh City Police "Acting Under the "Color of Law" maliciously and deliberately entered into a conspiracy with Defendant Mundy and other co-conspirators to threaten, intimidate, impede claimant Gordon from lawfully attempting to exercise his constitutional and civil rights. Officers Kiroy and Officer Clark in two separate phone acts called Claimant. During the course of these conversations officers Kiroy and Clark stated, in reference to claimant's stated intention to exercise claimants constitutional and civil rights, "Do not contact these people any more", "If you

JUDITH A. CLAPP
NOTARY PUBLIC, State of New York
No. 01CL602151
Qualified in Clinton County
Commission Expires 07-30-2013

continue to contact these people or take any type of action in relation to these people you will be arrested and jailed", "These are very powerful people you are dealing with"

4. On Saturday April 23, 2010, in a phone conversation between claimant and Officer Kiroy, Officer Kiroy stated to claimant, "I am telling you Mr. Gordon this going to end poorly". "Do not contact these people again in any manner or you are going to be arrested and jailed under the New York State stalking statutes."

Damages and Injuries

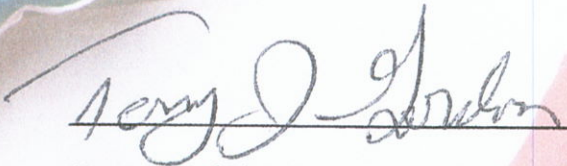
The aforementioned actions have resulted in Physical and Physiological trauma to claimant, full extent of injuries to be determined.

These actions have further resulted in damage to claimant's reputation and standing in the community.

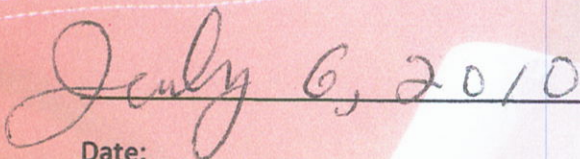
I, Terry Gordon, Pro-Se Plaintiff, do hereby declare under the penalty of perjury that I have true and sincere belief that the allegations alleged in this "Notice of Complaint" are true. This action is brought forth in an attempt to defend Plaintiff's civil and constitutional rights as guaranteed under the Constitution of the United States of America and the laws of New York State.

This action is further brought to defend the Constitution of the United States of America in an attempt to defend all citizens of the United States from the "Forces of Tyranny".

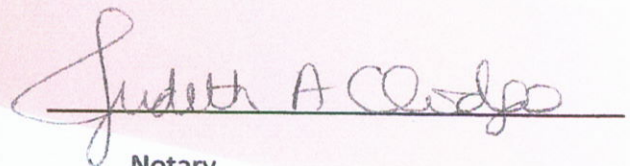
I, Terry Gordon, declare under the penalty of perjury that the foregoing is true and correct to the best of my belief



Signature of Claimant:



Date:



Notary

JUDITH A. CLOGGO
NOTARY PUBLIC, State of New York
No. 0106032151
Qualified in Clinton County
Commission Expires 07-30-2013